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26111 7590 05/23/2008 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
BHATIA, AJAY M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/881,331

**Applicant(s)**

BOARD ET AL.

**Examiner**

AJAY BHATIA

**Art Unit**

2145

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 96-177 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 96-177 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed 3/10/2008 have been fully considered but they are not persuasive. Based upon the terminology used by applicant in the remarks and specifically applicant intends for the interpretation of the invention to be very. As applicant states the specification provides examples and does not limit the invention, therefore examiner has relied upon the broadest possible interpretation in light of the art.

Applicant goes on to argue the specific features of "an association between each of a plurality of specific field values of the identified data state and condition, and a plurality of respective selected display templates selected from a plurality of available display templates, said association established according to a designation by a template-selector" and "wherein each of the plurality of specific field values has an associated respective selected display template;" and "wherein the server node is configured to transmit the stripped data containing the specific stripped field value to the communication device in a presentation format personalized according to the respective selected display template associated with the specific stripped field value of the identified data state and condition to enable the communication device to," applicant argues these features are not taught by the prior art, the examiner disagrees.

As examiner states bellow Scimone teaches this feature of a "an association between each of a plurality of specific field values of the identified data state and condition, and a plurality of respective selected display templates selected from a plurality of available display templates, said association established according to a

designation by a template-selector" (Scimone, Col. 13 lines 35-65, watch list, sub view)  
The watchlist template is provided for quotes content. Therefore the prior art anticipates this feature.

The additional limitation, "wherein each of the plurality of specific field values has an associated respective selected display template;" the specific template is the one the use has selected using the selector to add-in a specific value. (Scimone, Col. 11 lines 24-56, add-in)

The last argued limitation is "wherein the server node is configured to transmit the stripped data containing the specific stripped field value to the communication device in a presentation format personalized according to the respective selected display template associated with the specific stripped field value of the identified data state and condition to enable the communication device to," this stripped value is the individual stock quote.

Therefore examiner has address applicant arguments and how they fail to overcome the previously presented prior art.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 96-177 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Scimone et al. (U.S. Patent 6,647,410)

For claim 96, Scimone teaches, a network-based system for providing data to a  
communications device configured to accept an order for user-ordered data from  
a requesting user comprising: (Scimone, Col. 5 lines 35-55, pda, Col. 9 lines 4-14,  
outlook)

and a server node configured to receive the order from the communication  
device to receive a data feed from an external data source, and to transmit to the  
communication device stripped data which is stripped from the data feed in compliance  
with the order, said order comprising an alert criteria which comprises: (Scimone, Col.  
12 lines 1-15, Market feed)

an identified data state and condition; (Scimone, Col. 8 lines 6-26, alert)  
and an association between each of a plurality of specific field values of the  
identified data state and condition, and a plurality of respective selected display  
templates selected from a plurality of available display templates, said association  
established according to a designation by a template-selector of each of the plurality of  
specific field values, and a selection by the template-selector of each respective  
selected display template associated with each specific field value wherein each of the

plurality of specific field values has an associated respective selected display template;  
(Scimone, Col. 13 lines 35-65, watch list, sub view)

wherein the server node is configured to identify in the data feed a specific stripped field value matching a specific field value of the plurality of specific field values of the identified data state and condition; and (Scimone, Col. 11 lines 24-56, add-in)

wherein the server node is configured to transmit the stripped data containing the specific stripped field value to the communication device in a presentation format personalized according to the respective selected display template associated with the specific stripped field value of the identified data state and condition (Scimone, Col. 12 lines 51-67, add-in, fields)

to enable the communication device to render the stripped data in the presentation format of the respective selected display template associated with the specific stripped field. (Scimone, Col. 13 lines 35-50, watch list)

For claim 97, Scimone teaches, the network-based system of claim 96, further comprising a mass data storage repository accessible to the server node configured to store at least one of:

- the stripped data;
- the order received from the communications device;
- the alert criteria received from the communications device; (Scimone, Col. 8 lines 6-26, alert)
- the respective selected display template;

and the association between each of the plurality of specific field values of the identified data state and condition, and the plurality of respective selected display templates selected from the plurality of available display templates.

For claim 98, Scimone teaches, the network-based system of claim 96, further comprising an instance of software executing on the server node configured to accept a requesting user profile with requesting user account data from the communication device, to accept the order for the user-ordered data from the communication device; (Scimone, Col. 17 lines 35-60, stock)

stripping the stripped data from the data feed in accordance with the specific field value of the identified data state and condition, and to determine the association between the specific stripped field value and the respective selected display template. (Scimone, Col. 17 lines 35-60, stock, bid, ask)

For claim 99, Scimone teaches, the network-based system of claim 96, wherein the communication device comprises a wireless communication device. (Scimone, Col. 5 lines 35-55, wireless)

For claim 100, Scimone teaches, the network-based system of claim 99, wherein the wireless communication device comprises at least one of a one-way pager, a two-way

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pager, a hand-held computing device, a PDA, or a Web-enabled telephone. (Scimone, Col. 5 lines 35-55, pda)

For claim 101, Scimone teaches, the network-based system of claim 96, wherein each display template of the plurality of available display templates comprises a type of field value and an associated data presentation format to be transmitted to the communication device in response to the alert criteria. (Scimone, Col. 18 lines 9-26, limit)

For claim 102, Scimone teaches, the network-based system of claim 96, wherein the stripped data transmitted to the communication device comprises a most-recent real time value associated with an alert triggered through detection of the identified data state and condition associated with the alert criteria. (Scimone, Col. 4 lines 1-15, real time)

For claim 103, Scimone teaches, the network-based system of claim 96 wherein the data is financial data, wherein said financial data comprises at least one of stock news, stock data, stock market news, stock market data, stock prices, interest rates, commodity rates, money market rates, financial institution data, financial institution news, financial market data, financial market news, or publicly oriented financial activity and news information. (Scimone, Col. 11 lines 21-45, stock)



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For claim 104, Scimone teaches, the network-based system of claim 103, wherein the respective selected display template is a financial display template comprising at least **one of** a type of financial field value or a financial data presentation format transmitted to the user in response to a financial data alert criteria. (Scimone, Col. 18 lines 9-26, limit)

For claim 105, Scimone teaches, the network-based system of claim 104, wherein the financial data alert criteria comprises an identified financial data state and condition of a financial data feed from a financial data source; (Scimone, Col. 12 lines 1-15, Market feed)

and wherein the financial alert criteria further comprises an association between each of a plurality of respective specific financial field values of the identified financial data state and condition, and a plurality of respective selected financial display templates selected from a plurality of available financial display templates. (Scimone, Col. 18 lines 9-26, limit)

For claim 106, Scimone teaches, the network-based system of claim 105, wherein the identified financial data state and condition comprises at least a value, a change of value, or a news event for a selected stock, and wherein the financial alert criteria further comprises an association between a specific value, change of value, or news event for the selected stock and a respective selected financial display template. (Scimone, Col. 18 lines 9-26, limit)

For claim 107, Scimone teaches, the network-based system of claim 96, wherein the network is the Internet network. (Scimone, Col. 4 lines 22-31, internet)

For claim 108, Scimone teaches, the network-based system of claim 107, wherein data transmitted to the communication device is transmitted over a cooperating interfacing network comprising a paging network, a digital wireless network, or a wireless Internet service network. (Scimone, Col. 5 lines 35-55, wireless)

For claim 109, Scimone teaches, the network-based system of claim 96, wherein server node further comprises means for parsing the data feed and converting the data feed into eXtensible Markup Language (XML) for internal data processing. (Scimone, Col. 12 lines 1-15, xml)

For claim 110, Scimone teaches, the network-based system of claim 96, wherein the order further comprises a conditional alert, a time-sensitive alert, or an event-driven alert. (Scimone, Col. 8 lines 6-26, alert)

Claims 111-177 address the same invention listed in claims 96-110. Therefore, the supporting rationale of the rejection to claims 96-110 applies equally as well to claims 111-177.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

This is a RCE of applicant's earlier Application No. 09/881,331. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. Also any interview requests should be faxed directly to the examiner at (571)-273-3906. The examiner can normally be reached on M-H 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145